



Montgomery County, Maryland

COUNTY COUNCIL AGENDA

COUNCIL HEARING ROOM, 100 MARYLAND AVENUE, ROCKVILLE, MARYLAND 20850
240/777-7900 • TTY 240/777-7914 • FAX 240/777-7989 • www.montgomerycountymd.gov/council

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*This meeting will be televised live on Channel 6;
repeated on 11/3/06 at 8 pm and 11/4/06 at 9 am*

Tuesday, October 31, 2006

9:30 **INVOCATION** - Reverend Corey Sharpe, Faith United Methodist Church, Rockville

9:35 **GENERAL BUSINESS**

A. Announcements:

- Agenda and Calendar Changes (Lauer)
- A public hearing is scheduled for December 5, 2006 at 1:30 pm on the Spending Affordability Guidelines for FY08 Operating Budget

- (1) **B. Acknowledgement** - Receipt of Petitions (Lacefield)
C. Action - Approval of Minutes: October 17, 2006 (Lauer)

(2) 9:40 **CONSENT CALENDAR**

- A. Introduction** - Resolution regarding Montgomery County Public Schools' State funding request for school construction (Levchenko)
ED Committee is tentatively scheduled for 11/27/06.

- B. Introduction** - Resolution to establish FY08 Spending Control Limits for the Washington Suburban Sanitary Commission (Levchenko)
Public Hearing/Action is scheduled for 11/28/06 at 1:30 pm.

- C. Introduction** - Resolution to consolidate the issuance of certain authorized bonds (Sherer)
Action is tentatively scheduled for 11/28/06.

- D. Introduction** - Resolution to consolidate new authority to issue commercial paper bond anticipation notes with all previously authorized notes (Sherer)
Action is tentatively scheduled for 11/28/06.

(2) 9:40 **CONSENT CALENDAR** *(continued)*

- E. **Introduction** - Supplemental appropriations to the County Government's FY07 Capital Budget and amendments to the FY07-12 Capital Improvements Program, Department of Public Works and Transportation: (Orlin)
- \$4,597,000 for Glenmont Metro Parking Expansion (Source: Revenue Bonds: Liquor Fund)
 - \$8,525,000 for State Transportation Participation for extension of Watkins Mill Road (Source: Revenue Bonds: Liquor Fund; Impact Tax; City of Gaithersburg)
T&E Committee worksession tentatively scheduled for 11/27/06.
Public Hearing/Action is scheduled for 11/28/06 at 1:30 pm.
- F. **Action** - Resolution to approve FY08 Council Grants process (Planell)
MFP/HHS Committee recommends approval.
- G. **Action** - Resolution to approve the abandonment of portion of unimproved Burning Tree Road in the Marywood Subdivision in Bethesda (Orlin)
- H. **Action** - Mutual Aid Agreement with the Maryland-National Capital Park Police (Boucher)
PS Committee recommends approval with amendments.
- I. **Action** - Special appropriations to the MNCPPC's FY07 Capital Budget: (Michaelson)
- \$2,545,000 for Acquisition: Local Parks (Source: Program Open Space)
 - \$2,000,000 for Acquisition: Non-Local Parks (Source: Program Open Space)
PHED Committee recommends approval.
- J. **Action** - Special appropriations to the MNCPPC's FY07 Capital Budget and amendment to the FY07-12 Capital Improvements Program: (Michaelson)
- \$1,087,000 for South Germantown SoccerPlex (Source: G.O. Bonds, Contributions and Program Open Space)
 - \$3,800,000 for Lake Needwood Dam Remediation (Source: G.O. Bonds and Current Revenue)
 - \$563,000 for Ballfield Initiatives (Source: Program Open Space)
 - \$188,000 for Restoration of Historic Structures (Source: Program Open Space)
 - \$2,398,000 for Black Hill Trail Renovation and Extension (Source: Program Open Space and G.O. Bonds)
PHED Committee recommends approval as amended.
- K. **Action** - of the following amendments to the MNCPPC's FY07-12 Capital Improvements Program: (Michaelson)
- Rock Creek Trail Pedestrian Bridge
 - Wheaton Tennis Bubble Renovation
PHED Committee recommends approval.

(2) 9:40 **CONSENT CALENDAR** *(continued)*

- L. **Action** - Special appropriation to the County Government's FY07 Operating Budget, Arts and Humanities Council Non-Departmental Account - \$50,000 for Levine School of Music (Source: General Fund Reserve) (Davidson)
- M. **Action** - Special appropriation to the County Government's FY07 Operating Budget, Montgomery County Fire and Rescue Service - \$2,582,630 for Fire Code Enforcement - Fire Safety Code: Fee Schedule for Inspections, Permits, Licenses, Certificates and Exceptions (Source: Consolidated Fire Tax District) (Davidson)
PS Committee recommends approval with amendments.
- N. **Action** - Fire Safety Code Regulations: Executive Regulation 5-06AM, Fee Schedule for Inspections, Permits, Licenses, Certificates and Exceptions; Executive Regulation 6-06AM, Fire Protection Systems; and Executive Regulation 7-06AM, Building Construction (Davidson)
PS Committee recommends approval as amended.
- O. **Action** - Resolutions to support applications for State Community Legacy Funding:(McMillan)
 - Wheaton-Long Branch-Silver Spring area
 - Burtonsville East County area
- P. **Action** - Resolutions to support applications for the State's Community Investment Tax Credit Program: (McMillan)
 - Montgomery Housing Partnership, Inc.
 - Pyramid Atlantic
 - Jewish Community Relations Council of Greater Washington
 - Latino Economic Development Corporation
 - Rebuilding Together*Montgomery County
- Q. **Action** - Report and recommendations of the ED/PS Committee regarding OLO Report 2007-1, Review of MCPS' "Serious Incident" Reporting (Orlansky/Rubin)
- R. **Action** - Confirmation of County Executive appointment to the Adult Public Guardianship Review Board: Robert Jerrett, III (Ferber)
- S. **Action** - Confirmation of County Executive appointments to the Bethesda Urban Partnership, Inc. Board of Directors: Jack D. Hayes, Michele Horwitz Cornwell, Thomas D. Murphy, Dee Carl Metz (Ferber)
- T. **Action** - Confirmation of County Executive appointments to the Commission on Children and Youth: Meredith J. Myers, Barbara A. Ott, Vicki Stearn, Emily McDonell (Ferber)
- U. **Action** - Confirmation of County Executive appointments to the Domestic Violence Coordinating Council: Phil Andrews, Deborah L. Horan (Ferber)

(2) 9:40 **CONSENT CALENDAR** *(continued)*

V. **Action** - Confirmation of County Executive appointments to the Silver Spring Transportation Management District Advisory Committee: Sgt. Thomas Harmon, Sandra L. Brecher, Muriel E. Bowser (Ferber)

W. **Action** - Confirmation of County Executive appointments to the Upcounty Recreation Advisory Board: Stanley A. Fisher, Deanna Tomasetti, Tim Truman (Ferber)

X. **Action** - Confirmation of County Executive appointment to the Water Quality Advisory Group: David C. Merkin (Ferber)

Y. **Action** - Confirmation of County Executive appointments to the Workforce Investment Board: Donald Carroll Moragne, Gerald Shapiro, Toby C. Studley, Warren W. Williams, David N. Rodich, Shelley A. Johnson, Stephen D. Cain, Stewart L. Edelstein, Kate Garvey, Harriet Shapiro (Ferber)

Z. **Introduction** - Resolution to authorize Advance Taking - Travilah Road Phase I - MD Route 28 to Welland Terrace (Orlin)
T&E Committee worksession tentatively scheduled for 11/27/06.

AA. **Introduction** - Resolution to authorize Advance Taking - Mouth of Monocacy Road Bridge (Orlin)
T&E Committee worksession tentatively scheduled for 11/27/06.

BB. **Action** - Resolution to approve the abandonment of a portion of unimproved Fraser Drive Montgomery Hills Forest, Silver Spring (Orlin)

CC. **Action** - Resolution to approve the abandonment of a portion of unimproved Keokuk Street Brookdale Subdivision, Bethesda (Orlin)

DD. **Action** - Resolution to approve the abandonment of a portion of unimproved of Cameron Street Air Rights Silver Spring

EE. **Introduction** - Resolution to endorse the Maryland Economic Development Assistance Authority and Fund (MEDAAF) grant: Bethesda Theatre Nederlander Project (Ferber)
Action is tentatively scheduled for 11/28/06.

9:50 **LEGISLATIVE SESSION Day # 35**

A. Approval of Legislative Journal: October 17, 2006 (Lauer)

B. Introduction of Bills

- (3) • **Expedited Bill 46-06**, Bond Authorization, sponsored by Council President at request of the County Executive (Sherer)
Public Hearing and action is scheduled for 11/28/06 at 1:30 pm.

9:50 **LEGISLATIVE SESSION Day # 35** *(continued)*

C. Call of Bills for Final Reading

- (4) • **Expedited Bill 44-06**, Parks Department - Golf Courses - Lease with Revenue Authority (Faden)
PHED Committee recommendation will be available 10/26/06.
- (5) • **Bill 35-06**, Property Tax Credit - Senior Citizens (Faden)
MFP Committee recommends approval with amendments.
- (6) • **Expedited Bill 39-06**, Streets and Roads - Fees - Preliminary Subdivision Plans (Healy)
T&E Committee recommends approval.

10:30 **DISTRICT COUNCIL SESSION**

- (7) A. **Action** - Subdivision Regulation Amendment 06-02, Fees - Preliminary Subdivision Plans (Healy)
T&E Committee recommends approval with amendments.
- (8) B. **Action** - Zoning Text Amendment 06-24, Home Occupations - Furniture displays (Zyontz)
PHED Committee recommendation will be available 10/26/06.
- (9) C. **Action** - Development Plan Amendment **DPA 06-4** (Zyontz)
Applicant: The Donohoe Companies (White Flint Place) (Emily J. Vaia, Attorney)
Property: 498,201 square feet located at Northeast Corner of Rockville Pike and Old Georgetown Road
Action: Amendment to DPA 04-1 which amended the original Zoning Application G-726
Recommendations: Planning Staff: Approve
Planning Board: Approve
Hearing Examiner: No Report
- (10) D. **Action** - Consideration of Hearing Examiner's Report and Recommendation:
Application No: G-832
Applicant: Ralph J. Duffie, Inc. (Stephen J. Orens, Attorney)
Property: 37.176 acres located at 400 feet northeast of Gateway Center Drive on the north side of Shawnee Lane, Clarksburg
Action: Rezone from R-200 Zone to PD-11
Recommendations: Planning Staff: Approve
Planning Board: Approve
Hearing Examiner: Approve

10:30 **DISTRICT COUNCIL SESSION** *(continued)*

- (11) E. **Oral Argument** and Consideration of Hearing Examiner's Report and Recommendation: (Zyontz)
- Application No: G-836**
- Applicant:** J. Kirby Development, LLC and Vedanta Center of Greater Washington, D.C., Inc. (Barbara A. Sears and Scott C. Wallace, Attorneys)
- Property:** 16 acres located at 2929, 3001 and 3031 Bel Pre Road, Silver Spring
- Action:** Rezone from RE-2 Zone to PD-2 Zone
- Recommendations:**
- | | |
|-------------------|---------|
| Planning Staff: | Approve |
| Planning Board: | Approve |
| Hearing Examiner: | Approve |

12:15 **RECESS**

- (12) 1:30 **PUBLIC HEARING** - Resolution to approve the Franchise Agreement for Use of Public Right-of-Way: Verizon Communications (Healy)
MFP Committee worksession tentatively scheduled for 11/13/06.
- (13) 1:30 **PUBLIC HEARING** - Resolution to indicate Council's intention regarding the actions necessary to implement amendments to the Collective Bargaining Agreement with the Municipal & County Government Employees' Organization (MCGEO), Local 1994 (Wage Compression Reopener) (Faden)
MFP Committee worksession tentatively scheduled for 11/13/06.
- (14) 1:30 **PUBLIC HEARING/ACTION** - Supplemental appropriation to the County Government's FY07 Operating Budget, Circuit Court - \$299,930 for Electronic Document Imaging Grant (Source: State Grant Funds Administrative Office of the Courts) (McGuire)
- (15) 1:30 **PUBLIC HEARING/ACTION** - Supplemental appropriations to the County Government's FY07 Operating Budget, Homeland Security Department (Source: UASI - Federal grant) (Davidson)
- \$233,340 to implement "Hospital Surge"
 - \$333,340 to implement the National Capital Region Special Needs Project Surge Expansion Program
- (16) 1:30 **PUBLIC HEARING/ACTION** - Special appropriation to the County Government's Arts and Humanities Council Non-Departmental Account, Heritage Montgomery - \$25,000 for stabilization of Loving Charity Hall in the Warren Historic District Restoration (Source: General Fund Reserves) (Davidson)

2:30 **DISTRICT COUNCIL SESSION** *(Continuation of morning session, if needed)*

- (11) E. **Action** - Consideration of Hearing Examiner's Report and Recommendation: (Zyontz)
- Application No: G-836**

2:45 **ADJOURN**

The following appointments were received from the County Executive and are tentatively scheduled for confirmation on November 28, 2006:

Advisory Committee on Consumer Protection: Jeffrey P. Bloch, David J. Mason, Yosefi Seltzer, Craig Holston

Alcohol and Other Drug Abuse Advisory Council: Asante Hatcher, William T. Waller, Rosallah A. Karim,

Hans I. Moore, Susan K. Malagari

Animal Matters Hearing Board: Joseph O. Vallina, III

Citizens Review Panel for Children: Charlotte Mullican, Karin M. Snedeker

Commission on Child Care: Wendy Goldberg Baber, Raquelle A. Carter, Carl L. Eggleston

Commission on Common Ownership Communities: Clara A. Perlingiero

Commission on Health: Peter B. Sherer, M.D.

Commission on Juvenile Justice: Jennifer D. Barmon, Joseph Fedeli, Dr. Lee H. Haller, Gwen Haney, Nancy

Gannon Hornberger, David Jaffe, Ashok Kapur, Sharon M. Kelly, Marion W. Mattingly, Mary Poulin, Linda

McMillan, Debra Grimes, Madeleine L. Jones, Captain Kathi Rhodes, Dennis Nial, Martha Young, Francha T.

Davis, Pamela Littlewood, Mary Nicholas Drotleff, Mary Kay Siegfried

Committee for Ethnic Affairs: Enas Elhanafi

County-wide Recreation Advisory Board: Stanley Fisher, Jamaa Hill, Sean T. Smith, Craig A. Snedeker

Community Action Board: Ana G. Marshall, Trinette Chase, Abigail M. Kendzior, Thomas J. Begines, Trica

Young-Williams, Steven M. Galen, Marlon Mitchell, Keith Melbourne

Department of Permitting Services Advisory Committee: Thomas Aylward, III, George Donovan, Tuva Welp,

Larry Gordon, Caren W. Madsen, Joav Steinbach, Steven J. Kanstoroom, Cecile O'Connor,

Frank G. Bossong, IV, Magdy B. Ibrahim, Jerome W. Oden, Chief Michael Donahue, Christopher Anderson,

Rose Krasnow, Gregory Leck, Peg Robinson

East County Recreation Advisory Board: La Shane D. Crutchfield, William Kyle

Firearm Safety Committee: Raymond Roberts

Friendship Heights Transportation Management District Advisory Committee: Gregory S. Knoop, Garry K.

Tyran, Mary Herman, R. Mallory Starr, Robert M. Schwarzbart, N. Leslie Olson, Kenneth G. Williams, Sandra L.

Brecher, Captain Wayne M. Jerman

Glen Echo Park Partnership for Arts and Culture, Inc. Board of Directors: Gaylen M. Camera

Local Management Board for Children, Youth and Families: Leon T. Geter, Lori Rogovin, Delmas Wood,

Angela English

Mid-County Recreation Advisory Board: Joseph Fritsch, Arguilla Ridgell

Noise Control Advisory Board: L. Shea DeLutis, Jared S. Hosid, Patrick J. Kapust, Sgt. Michael J. Watts

Western Area Recreation Advisory Board: Rochelle P. Gershenow, Monica Grasso, Andrew Ross

FUTURE COUNCIL MEETINGS

County Council meeting notices are posted on the bulletin board in the fifth floor lobby of the Council Office Building in Rockville, pursuant to State law.

Note: See the **COMMITTEE AGENDA** for a listing of the Committee meetings currently scheduled.

Nov 6 - 20, 2006		RECESS
Nov 10, 2006		HOLIDAY
Nov 23, 2006		HOLIDAY
Nov 28, 2006	9:30 am	Regular Session
Dec 5, 2006	9:30 am	Regular Session
Dec 12, 2006	9:30 am	Regular Session

FUTURE PUBLIC HEARINGS

To testify call 240-777-7931

November 28, 2006

1:30 pm	Resolution to approve License Agreement for use of Public Right-of-Way: 1203 Fidler Lane, LLC
1:30 pm	Supplemental appropriations to the County Government's FY07 Capital Budget and amendments to the FY07-12 CIP, DPWT
	➤ \$4,597,000 for Glenmont Metro Parking Expansion
	➤ \$8,525,000 for State Transportation Participation for extension of Watkins Mill Road
1:30 pm	Resolution to establish FY08 Spending Control Limits for the Washington Suburban Sanitary Commission

December 5, 2006

1:30 pm	Spending Affordability Guidelines for FY08 Operating Budget
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Montgomery County Council
Legislative Information Services

Packet Index

Tuesday, October 31, 2006

Item Number	Note	Staff
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The following items are anticipated to be added to the agenda by addendum:

ADDENDUM

Tuesday, October 31, 2006

(2) 9:40 **CONSENT CALENDAR**

Add: FF. **Introduction** - Supplemental appropriation to the Montgomery County Public Schools' FY07 Operating Budget - \$220,000 for Real Estate Management Fund (Source: REM Fund/Rental Revenue) (Planell)
Public Hearing/Action is scheduled for 11/28/06 at 1:30 pm.



Montgomery County, Maryland

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ADDENDUM

Tuesday, October 31, 2006

(2) 9:40 CONSENT CALENDAR

- Add:** FF. **Introduction** - Supplemental appropriation to the Montgomery County Public Schools' FY07 Operating Budget - \$220,000 for Real Estate Management Fund (Source: REM Fund/Rental Revenue) (Planell)
Public Hearing/Action is scheduled for 11/28/06 at 1:30 pm.
- Add:** GG. **Introduction** - Resolution to amend Transportation Fares, Fees, and Charges to establish free parking for motorcycles in spaces and areas where only motorcycle parking is permitted, sponsored by T&E Committee (Orlin)
Public Hearing and action is scheduled for 11/28/06 at 1:30 pm.
- Add:** HH. **Introduction** - Special appropriation to the County Government's FY07 Capital Budget and amendment to the FY07-12 Capital Improvements Program, Department of Public Works and Transportation - \$8,525,000 for Watkins Mill Road Extended (Source: G.O. Bonds, Impact Tax and Intergovernmental) (Orlin)
T&E Committee worksession tentatively scheduled for 11/27/06.
Public Hearing/Action is scheduled for 11/28/06 at 1:30 pm.

9:50 LEGISLATIVE SESSION Day # 35

B. Introduction of Bills

- Add:** (3.1) • **Expedited Bill 47-06**, Motor Vehicles - Motorcycle Parking, sponsored by T&E Committee (Orlin)
Public Hearing and action is scheduled for 11/28/06 at 1:30 pm.